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SAN BENITO COUNTY

OPEN SPACE/CONSERVATION ELEMENTS

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GENERAL PLAN REVISION

1980



PREFACE

Counties and cities in the State of California have been required by law to prepare Open Space and Conservation Elements as two of the nine mandated Elements of the General Plan. The Legislature, recognizing the growing environmental awareness of the people of California, has directed local government to take specific action to protect the State's natural resources. It has long been recognized that the combining of the Open Space and Conservation Elements into a single document provides, due to the common nature of the subjects, the decision makers of a community with a more comprehensive and usable document. Implementation of the Open Space/Conservation Element Plan is insured through the State mandated Action Plan.

Major open space areas and natural resources throughout the County of San Benito are the focus of this plan. This text will serve as the County's guide to land use decisions as they relate to lands designated as having open space or conservation potential.

The Open Space/Conservation Element is designed with a 20-year horizon. Thus, we are looking ahead to the year 2000. It is intended that this plan be reviewed annually and updated approximately every three years to insure that the most recent technical data, community goals and State law requirements are recognized. Together with the Open Space/Conservation Elements of the Cities of Hollister and San Juan Bautista, this Plan will provide a strong basis for open space preservation and the wise utilization of resources within the County of San Benito.

Technical information used in the preparation of these Elements is presented in the Resources Inventory published as a separate document.

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INTRODUCTION

THE PLANNING PROCESS

The Open Space and Conservation Elements of the General Plan for the County of San Benito are two of the nine Elements required by State law. The close relationship between the Open Space Element and the Conservation Element allows these two Elements to be combined into a single plan for the County of San Benito. The process by which these two Elements were prepared involved participation of the staff of San Benito County as well as members of the staffs of the Cities of San Juan Bautista and Hollister. A number of meetings were held at the outset of the planning process to help gain an understanding and direction relative to the major issues in open space and conservation planning. Community-wide goals were presented to the San Benito County Board of Supervisors, reviewed by them and the County staff, modified and returned to the consultants for utilization in the preparation of the various Elements.

The consultants utilized a planning process which included the following steps:

1. The establishment of goals and objectives
2. The identification of environmental constraints
3. The analysis of a resource inventory
4. The development of alternative Open Space/Conservation Plans and corresponding Action Plans
5. The preparation of a Final Open Space/Conservation Element
6. The preparation by County staff of an EIR for all of the Elements and adoption of the Elements

Participation of the County Board of Supervisors and County Planning Commission as well as staff was necessary in the preparation of goals and objectives. Environmental constraints and resources were researched by the Consultants, with assistance from a wide variety of local and state agencies. Two Alternative Open Space and Conservation Plans were prepared and reviewed by the public, the Planning Commission and the Board of Supervisors. Those Alternatives were then revised into the Plan presented herein.

STATE-WIDE GOALS AND OBJECTIVES

OPEN SPACE DEFINED

Open space can be defined by the purpose which it serves or by the legal definition. In addition to its use for traditional recreational purposes, open space provides relief in the urban structure of our environment, preserves natural resources which otherwise might be destroyed and sets aside land which has a potential danger to man should he build upon it. The term "open space" does not necessarily imply public access.

Abstracted below is Section 65560 of the State Government Code, which defines "open space." Emphasis has been added by the consultants.

Open space land is defined in the Government Code, Section 65560 as:

"Any parcel or area of land or water, which is essentially unimproved and devoted to an open space use as defined in this section, and which is designated on a local, regional or state Open Space Plan as any of the following:

1. OPEN SPACE FOR THE PRESERVATION OF NATURAL RESOURCES... including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; coastal beaches, lake shores, banks of rivers, streams, bays and estuaries; and coastal beaches, lake shores, banks of rivers and streams and watershed lands.
2. OPEN SPACE USED FOR THE MANAGED PRODUCTION OF RESOURCES... including, but not limited to, forest lands, range land, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of ground water basin; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.
3. OPEN SPACE FOR OUTDOOR RECREATION...including, but not limited to, areas of outstanding scenic, historical and cultural value; areas particularly suited for parks and recreation purposes, including access to lake shores, beaches, rivers and streams; and areas which serve as links between major recreation and open space reservations, including utility easements, banks of rivers and streams, trails and scenic highway corridors.

4. OPEN SPACE FOR PUBLIC HEALTH AND SAFETY... including, but not limited to, areas which require special management or regulation because of hazardous or special conditions, such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality."

LEGISLATIVE INTENT: OPEN SPACE LANDS ACT

The California Constitution responds to the concern over the preservation and conservation of open space lands in a 1966 amendment which states:

"The people hereby declare that it is in the best interest of the State to maintain, preserve, conserve and otherwise continue in existence open space lands for the production of food and fiber and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the State and its citizens..." (Section 1, Article XVII)

By January 1974, the State required that each county prepare and adopt a local Open Space Plan for the comprehensive and long-range preservation of open space lands within its jurisdiction. Legislative intent for the Open Space Plans Act is specified in Governmental Code Section 65561. This Section of the Governmental Code is summarized briefly in the following paragraphs.

In order to provide further guidance to local jurisdictions, the Legislature found and declared that the preservation of open space was not only necessary for maintaining the economy in the State of California, but was needed for the production of food and fiber and the enjoyment of scenic beauty. It was not the Legislature's intent, however, for open space lands to remain unused, as the Legislature recognizes the need for recreation and the use of natural resources.

The Legislature recognized that it would be necessary to discourage premature and unnecessary conversion of open space lands to urban uses. The Legislature also recognized that non-contiguous development patterns unnecessarily increase the cost to community residents for services.

The State recognizes that population is going to continue to increase and has acknowledged the need for definite plans for the preservation of open space land; moreover, positive action must be taken to carry out such plans to eliminate the potential of premature conversion of open space lands to urban uses.

LEGISLATIVE INTENT: CONSERVATION ELEMENT

Legislative intent for preparation of the Conservation Element is provided in the California State Government Code.

The Government Code requires that each jurisdiction prepare a:

"Conservation Element for the conservation, development and utilization of natural resources, including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources..."

With this understanding of the State Legislature, each county must identify its own goals and objectives as they relate to their own individual needs. These goals, as determined by the San Benito County Board of Supervisors at a joint meeting between the Planning Commission and Board of Supervisors on November 8, 1979, are outlined on the following pages.

COUNTY-WIDE GOALS PERTAINING TO OPEN SPACE AND CONSERVATION:

1. The protection and preservation of prime agricultural areas in order to preserve them for the present and future agricultural production vital to the County.
2. The maintenance of the County's existing rural atmosphere.
3. Direction of future County growth to areas which are neither environmentally sensitive nor of substantial future agricultural importance...
4. The protection and managed production of major mineral deposits.

SAN BENITO COUNTY OBJECTIVES AND POLICIES

BACKGROUND

The objectives and policies noted below were developed at a joint public hearing of the San Benito County Board of Supervisors and Planning Commission. The objectives and policies were reviewed, category by category, and modified by the General Plan Consultants in accordance with direction received at that meeting.

Two basic assumptions were made in order to formulate the goals and objectives. First, the County is a rural county and there is a strong feeling among the populace to maintain its rural character. Second, the cities within the County, Hollister and San Juan Bautista, are the major service centers, which provide most of the goods and services necessary to meet the needs of the residents within the County. It was recognized also that small, unincorporated areas, such as Tres Pinos and Aromas, provide convenience services to meet the needs of the more rural residents.

Inherent in all of the Action Plans is the desire of the Board of Supervisors to provide for the expansion of existing facilities and the wish to define the term "development" so as not to include industrial uses for the removal of natural resources.

COUNTY-WIDE POLICIES AND OBJECTIVES

(As they relate to Open Space and Conservation)

1. The protection of prime agricultural areas in order to preserve them for the present and future agricultural production vital to the County.
2. The maintenance of the County's existing rural atmosphere.

3. The provisions of a limited mix of various land use patterns within the rural county jurisdictions in order that they might be compatible with adjacent city actions.

4. The provision of a comprehensive land use and circulation pattern to allow for future growth patterns and to coordinate city and county growth decisions.

5. The direction of future county growth to areas which are neither environmentally sensitive nor of substantial future agricultural or mineral importance.

OPEN SPACE - AGRICULTURAL OBJECTIVES

1. Plan for the preservation of prime agricultural and open space lands while using them to help define the areas of rural residential growth.

2. Preserve the natural wildlife habitats, including the environmentally sensitive areas.

3. Encourage private development of recreational facilities, such as riding stables, golf courses and camping facilities in the Open Space areas.

4. Prevent land use conflicts in the vicinity of open space and agricultural uses.

OPEN SPACE - MINERAL OBJECTIVES

1. Identify and inventory mineral resources requiring protection.

2. Plan for the protection and managed production of the mineral resources identified by the County.

3. Prevent land use conflicts in the vicinity of mineral resources.

OPEN SPACE/CONSERVATION ELEMENT PLAN

The first category included in this plan is areas where noise levels are equal to, or greater than, 70 decibels (based on "Information on Level of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety," EPA, Page 40) or which have been projected to be greater than 70 decibels based on studies prepared by the California Department of Transportation (CalTrans). Locations of these high noise areas are lands bordering State Highways 25, 101, 156, and 129. Also included are areas on either side of the Southern Pacific Railroad right-of-way. The choice of including these areas in open space is suggested to obtain consistency with the Noise Element of the County of San Benito (Government Code 65302(g)).

The second category included in this alternative is already existing private and public open space, including state parks, national monuments, county parks, private golf courses, recreational facilities, Williamson Act lands, and lands under the jurisdiction of the Bureau of Land Management (BLM). These existing commitments to various types of open space are included to show continuity in the position of the County for the protection and conservation of open space land (Government Code 65302(d) and 65560(b)(3)).

The third category is that of lowland soils. The soil associations shown as groups A, B, and C in Table Two of the Resource Inventory make up the most productive lands within San Benito County. Therefore, in keeping with Government Code, Section 65561, these soils have been included to fulfill the state requirement that the preservation of open space is necessary for the production of food and fiber (Government Code 65560(b)(2)).

The fourth category includes fault zones and slopes 30% or greater. The fault zone areas are taken from the San Benito County Alquist-Priolo Special Studies Zone Maps. These areas within the fault zone indicate a high potential for surface faulting. Seismic hazard areas do not necessarily preclude development, but the location of buildings within such zones may be restricted (Government Code 65560(b)(4)).

Included in this category are areas of potential landslide hazard. The area northwest of San Juan Bautista known as the Sargent Anticline and areas around Aromas are included in this category.

The fifth category includes those areas identified by the State

Division of Forestry as hazardous fire areas (Government Code 65560(b)(4). These areas are presently classified unbuildable, but in the future, with fire service improvements, water service improvements and proximity to easy access, future building would be possible.

The sixth category is generally identified as water resources. Grouped in this category are those areas identified as 1% flood prone areas, areas up to 100 feet on either side of the top of creek banks, and watershed areas (Government Code 65302(d)(2,3 and 6) and 65560(b)(1)).

The seventh category includes wildlife habitat areas. These areas are required for the preservation of plant and animal life and include the habitat for fish and wildlife species. The game refuge adjacent to Pinnacles National Monument, the coldwater streams, riparian habitat, wetlands and the grassland environment for the San Joaquin kit fox are included in this category (Government Code 65302(d) and Government Code 65560(b)(1)).

The eighth category includes two broad types of open space land. These areas include all soils except those noted in Table Three of the Resource Inventory. The soils given in Table Three are those which have slight to moderate limitations for septic disposal. It also includes approximately 5,000 acres of the Hanford Soil Type, rated moderate to severe, which should be evaluated on a case-by-case review. All other soils in the County have severe soil limitations and are not normally suitable for the disposal of septic effluent. The second area included in this category are those areas adjacent to National and State Parks, County Parks, game refuges, and Bureau of Land Management Lands. Land within 500 feet of these areas is classified as open space (Government Code 65302(d), 65560(b)(1) and 65560(b)(4)).

The ninth category is historic and cultural resources. Although not specifically called for in the Conservation or Open Space Element portions of the Government Code (Section 65302(d) and 65302(e)), historical and cultural resources are specified as a part of the General Plan Guidelines issued by the Office of Planning and Research (Review Draft, January, 1980, Page 124). The new Guidelines call for an "inventory and analysis of historical and cultural resources, including archaeological sites and historically and architecturally significant buildings, sites, and districts." These resources are shown on Plate 9 and presented within the text of the Open Space Element.

OPEN SPACE AND CONSERVATION ELEMENT

ACTION PLAN

The following Action Plan contains suggested actions to implement the Open Space/Conservation Element. From the 1980 General Plan Guidelines we find:

"Local governments have a host of tools to implement their General Plans. Most derive from local government's corporate and public powers. State law requires subdivision and building regulations; other measures are adopted at local option. If the tools and objectives of the General Plan are to be served effectively, the implementing tools must be carefully chosen, adapted to local needs and carried out as an integrated program of complementary and mutually reinforcing actions."

In the Action Plan below, the specific open space and conservation goals and objectives are once again presented, together with the specific policies and action programs designed to implement the stated goals and objectives.

GOAL #1

To protect and preserve the agricultural identity of the County.

OBJECTIVE:

1. To encourage preservation of agricultural lands not required for urban development.

POLICY:

It is the County's policy to use the Williamson Act, agricultural zoning and other legislative means, where appropriate, to preserve agricultural resources, maintain a rural identity and to define and shape the urban form.

ACTIONS:

1. The County should reaffirm and encourage the use of the Williamson Act for the preservation of its agricultural resources. This should include those areas identified on Plate 1 and parcels adjacent to those already contracted into the Williamson Act.
2. The County should adopt Agricultural Zones which allow only agricultural and compatible uses as indicated in the Land Use Element.

GOAL #2

To continue agriculture as an industry in the County and to preserve present agricultural resources for future generations.

OBJECTIVE:

1. To encourage and protect agriculture as a viable industry in the County.

POLICY:

It shall be the policy of the County to assure that units of land which are suitable for agricultural purposes are maintained.

ACTION

1. In areas of Agricultural Zoning, the County will establish minimum lot sizes appropriate to the land use.

GOAL #3

To preserve large forms of open space areas, such as agricultural lands and outdoor recreation areas, in order to serve as a means of delineating the urban/rural boundary.

OBJECTIVE:

1. To establish agricultural areas through a combination of the Williamson Act and through the use of County agricultural zoning districts.

POLICIES:

The County policy should be to assign compatible land uses adjacent to agricultural lands and selected mineral resource lands to ensure their protection. The County should encourage the use of the Williamson Act as well as agricultural zoning and other legislative means to preserve large agricultural open space areas.

ACTIONS:

1. The County should strive to stabilize values in areas that are not expected to be used for urban development in the near future and are presently in agricultural use through proper land planning.
2. The County Board of Supervisors may, by resolution, reaffirm and encourage the use of the Williamson Act for the preservation of agricultural resources where financially feasible for the owner.
3. The County may enact Agricultural Zoning Districts as described for Goal #1 (Action 2).

GOAL #4

To encourage the orderly development of identified urban concentrations within the County, utilizing the concept of concentric growth and the infilling of existing urban developed areas, along with an orderly and efficient development plan for public and private services (water and sewer districts).

OBJECTIVE:

1. "To use various types of open space within the spheres of influence of San Juan Bautista and Hollister for the purpose of controlling timing and location of urban development and as a means of preserving certain lands (These lands should remain undeveloped until a determination is made by the appropriate legislating body that it is economically and financially feasible to provide public services and facilities for urban use. The urban reserve areas shall be used to buffer agricultural uses from urban uses and to discourage non-contiguous development patterns which unnecessarily increase the cost of community services to the residents of San Benito County and cause premature land conversion to urban uses.

As it becomes evident that services will soon be available, the County may choose to increase the allowable density through zoning provided that development of these lands considers ultimate development or urban density through a master plan for street design and home site location as well as the provision for urban type services such as sewer and storm drains)".

POLICIES:

It will be the County's policy to apply land use controls to ensure that only non-urban uses are located beyond Urban Reserve Areas, except for specific areas designated as concentrations or urban growth. (This will provide for comprehensive land use and circulation patterns which would allow for future growth and would enable the County to coordinate with incorporated areas with respect to growth and development decisions.)

It will be the County's policy to encourage incorporated areas to establish five-year Urban Service boundaries which will clearly delineate Urban Service Areas.

It will be the County's policy to establish specific plans for small communities that are not incorporated which would clearly identify centers or urban growth and land uses within these areas.

In order to encourage the preservation of productive agricultural land and prime soils, it shall be the County's policy to consider density bonuses for land located within spheres of influence and on slopes averaging between 10% and 30%.

ACTIONS:

1. The County shall review its Zoning Maps and Ordinances for land within the spheres of influence of Hollister and San Juan Bautista. An appropriate zoning district should be developed so that limited development may occur within this area. Development proposals within these areas will be jointly reviewed by the County and the appropriate City.
2. It shall be the County's policy to require that developers of land outside incorporated areas and within spheres of influence prepare an overlay plan showing the ultimate development of the property, including streets, the location of urban services, lot lines and urban densities.

This will ensure that present day development is compatible with the needs and requirements of future urban density development and services.

3. The County will amend the Zoning Ordinance to allow a density bonus or increase in the allowable number of units up to 20% for lands on slopes between 10 and 20% and up to 10% for lands between 21 and 30%, based on the average cross slope of the entire parcel. (This action is not to be interpreted to mean that no credit will be given for land over 30% average cross slope when determining project densities. The density of each project would be determined on a case-by-case review by the County Board of Supervisors.)

4. The County may, at the appropriate time, develop plans for the unincorporated areas of urban concentrations within the County.

GOAL #5

To discourage building in areas that are environmentally hazardous.

OBJECTIVE:

1. To develop methods discouraging residential development in environmentally hazardous areas where viable alternatives are available.

POLICIES:

It will be the policy of the County to utilize land use regulations to discourage urban development in areas that are environmentally hazardous.

It is the County's policy to apply zoning categories and scenic easements for the protection of environmentally hazardous or aesthetically valuable resources.

ACTIONS:

1. The County shall adopt an overlay zoning which establishes development standards in areas of special concern, such as the Alquist-Priolo Special Studies Zones, flood plains and hazardous fire areas. These development standards would be over and above the standards applicable to basic land uses.

2. The County shall establish an overlay zoning district for environmentally hazardous areas (an "EH" District) which discourages development standards development in areas hazardous to the health, safety and welfare of the citizens of the community and will concurrently develop density transfer policies which would allow for the (transfer of some of the densities which may have been allowed in the hazardous zones.)

GOAL #6

To provide for the conservation, development and utilization of natural resources, including water and its hydraulic force, forests, soils, rivers and other waters, fisheries, wildlife, minerals, energy and other natural resources.

OBJECTIVES:

1. To encourage the efficient use of rivers and other waters in cooperation with conservation agencies.
2. To minimize soil erosion in developed and undeveloped areas.
- ~~A~~ 3. To utilize flood prone areas for open space purposes.
- ~~A~~ 4. To conserve and preserve watershed and natural recharge areas.
5. To prevent significant urban development around areas of important natural resources.
6. To provide for the safe utilization of ground water resources, mineral deposits and other natural resources in order to conserve and protect them for future utilization.
7. To conserve the energy resources of the county and nation wherever possible.

POLICIES:

The County recognizes the need for both conservation and development of natural resources, and recognizes that the utilization of these natural resources, if not properly managed, can lead to their loss. It will be the County's policy to protect, wherever possible, watersheds, creeks and rivers through the enactment of appropriate legislative vehicles.

The County further recognizes the inherent conflict between the development and utilization of some natural resources and the urban development of surrounding properties. Therefore, the development of land near potential or existing natural resources will be reviewed by the County for its possible compatibility with the extraction, removal, processing, or other utilization of that natural resource. [Conversely, applications for the development of mineral extraction or other natural resource related industries will be reviewed for their compatibility with existing and planned uses on surrounding properties.]

One of the County's prime responsibilities is for the health, safety, and welfare of its citizens, and because the County recognizes the inherent dangers of construction or development within a flood prone area, it shall be the County's policy to discourage residential and industrial development

within areas identified as potential flood hazard areas.

The County further recognizes air as a natural resource and will maintain a policy of protecting air quality through proper land use planning.

It will be the County's continuing policy to enact a series of zoning ordinances designed to protect the natural resources of San Benito County.

It will be the County's policy to encourage the use of energy efficient design in new construction.

ACTIONS:

1. The County recognizes that the flood prone areas make up only a small portion of the entire County lands, and therefore significant amounts of developable areas still remain. With this in mind, the County will enact a Flood Prone Area zoning designation, (which will preclude development within areas subject to flooding as identified in the Open Space/Conservation Element and by various sources referenced therein unless it can be clearly shown, through engineering studies, that the proposed building site can be adequately protected from flooding.

2. The County will enact a policy which will encourage new construction to incorporate water saving devices. (The County recognizes that although a water shortage does not exist at this time, that the safe use of water and the preservation of the ground water resources makes it incumbent that present day water users conserve that natural resource. There are available at the present time such water saving devices as low-flow showers, automatic sprinkler systems, low-flow toilets, water restrictors for faucets, and other water conserving devices which can significantly reduce the present day water consumption, thus conserving these resources for future generations.)

3. The County recognizes the value of watershed and natural recharge areas and in response to the November 9, 1979 amendments to the "Water Quality Control Plan, Central Coastal Basin" (Basin Plan), will enact a Grading, Erosion, and Sedimentation Control Ordinance. (See Appendix A)

* 4. Implement existing "MR" zoning on selected mineral resource areas determined by the Board of Supervisors to require a special level of protection as an additional method of avoiding land use conflicts between mineral extraction and other incompatible uses.

GOAL #7

To preserve the natural wildlife habitats, including environmentally significant areas.

OBJECTIVES:

1. To preserve existing plant and wildlife ecological habitats.
2. To preserve riparian habitats and valuable watersheds.

POLICIES:

It shall be the County's policy to utilize land use and transportation controls for the protection and enhancement of air quality. It shall further be the County's policy to utilize zoning regulations, to encourage land use and to design methods which will minimize noise impact. Finally, it will be the County's policy to review public and private development proposals in light of possible recreational and open space potential.

ACTIONS:

1. The County, by resolution, will establish a policy of urban concentration for the protection of air quality. The resolution should specifically discourage the development of commercial areas outside of urban centers, other than those defined in the Land Use Element, in order to reduce the impacts of air pollution caused by commuting and shopping.
2. The County recognizes the value of watershed and natural recharge areas and in response to the November 9, 1979 amendments to the "Water Quality Control Plan, Central Coastal Basin" (Basin Plan), will enact a Grading, Erosion, and Sedimentation Control Ordinance.
3. Because the County recognizes the value of watershed areas, it recognizes a direct relationship between hillside development and the loss of such watershed areas; the County will prohibit the development of hillsides where slopes are 30% or greater in all areas of the County unless such development meets the specific exemptions of RWQCB Resolution No. 79-09. (See Appendix A)

GOAL #8

Encourage private development of recreational facilities including, but not limited to, riding stables, golf courses, camping facilities, dude ranches and hunting clubs.

OBJECTIVES:

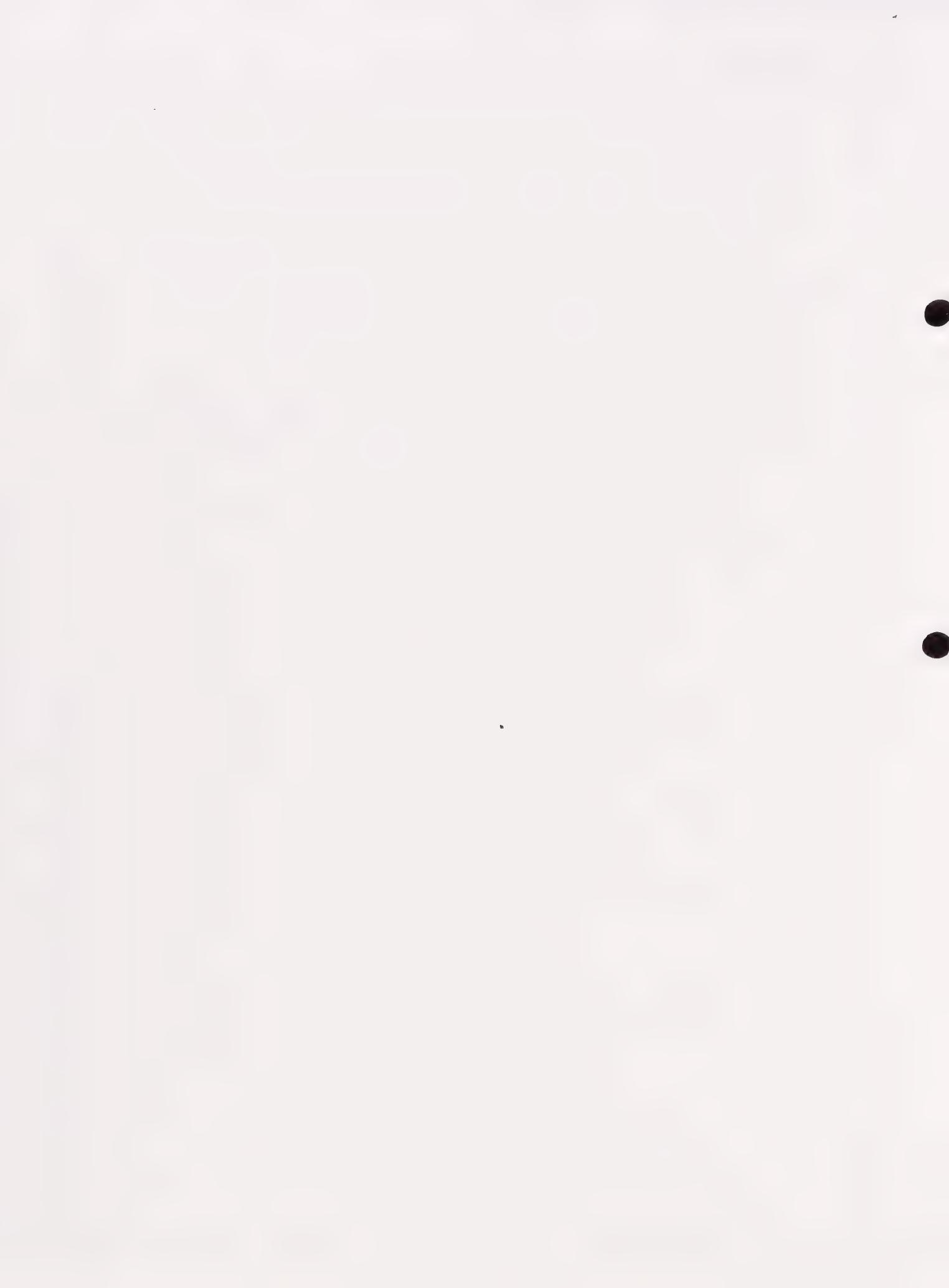
1. To provide incentives to individuals who wish to include private recreational facilities in conjunction with residential development and open space areas.
2. To allow for economic return on open space lands.

POLICIES:

It will be the County's policy to utilize land use ordinances to encourage land owners to provide private recreational facilities and open space areas. It will also be the County's policy to allow for an economic return on land while it is being utilized as open space.

ACTIONS:

1. Where feasible, the County will coordinate the development of regional parks in cooperation with federal, state, and other counties as well as local agencies.
2. The County will enact procedures designed to allow the development of private recreational facilities.



GOAL 9

To change the quality of life for all citizens of San Benito County by the provision of adequate park and recreation facilities for the leisure needs of all age groups.

OBJECTIVE

9.1 To develop and maintain a comprehensive system of open space uses for both active and passive recreation.

POLICY

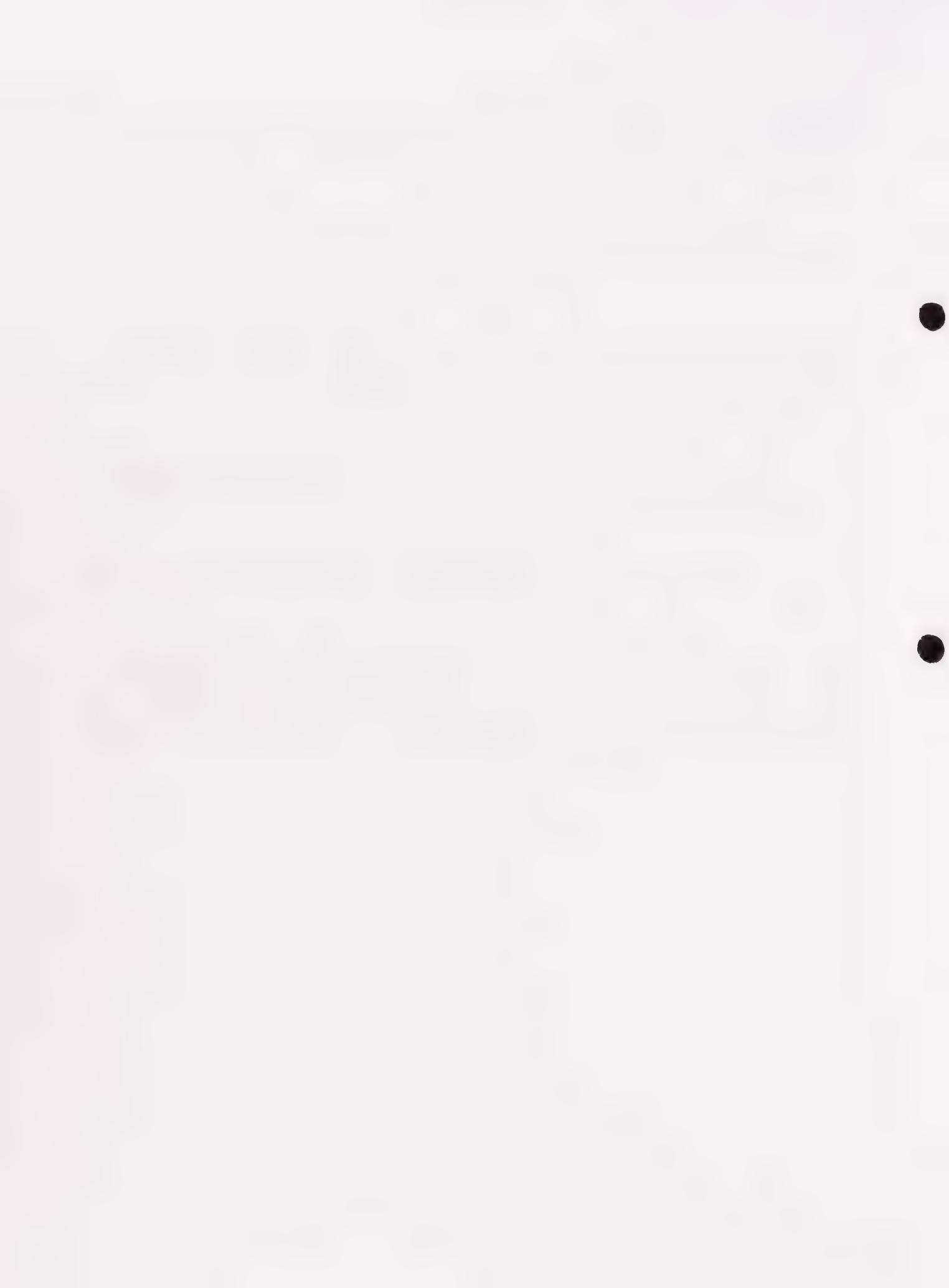
POLICY 9.1 It shall be the County's policy to acquire, develop, operate, and maintain a comprehensive space system of open space land uses and recreational facilities to provide for the passive and active recreational needs of the County population.

IMPLEMENTATION ACTIONS

9.1 The County will use a variety of financing mechanisms to acquire and develop park, recreation, and other open space land uses consistent with growth in County population and the adopted land use policy of the County's General Plan.

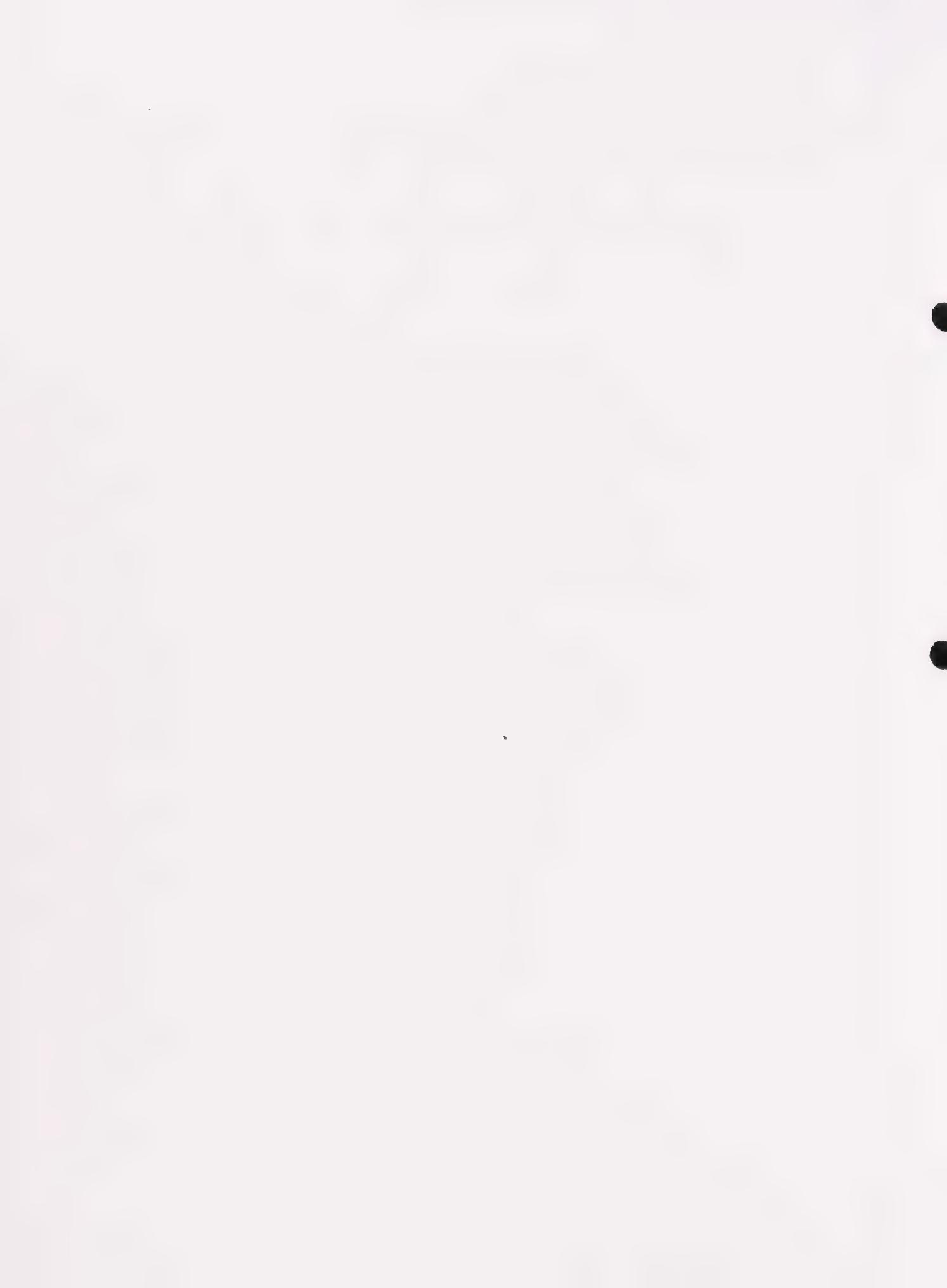
9.2 The County will establish by Ordinance a park and recreation impact fee, to establish and maintain a source of revenue for the acquisition and development of park and recreation facilities.

9.3 The County will enforce the intended purpose of the Open Space (OS) District of the County Zoning Ordinance to protect and preserve open space land uses for public health, safety, and welfare continued agricultural uses, scenic viewscape preservation including scenic highway corridors, park and recreation uses, conservation of natural resources, the containment and definition of limits to urbanization, and the preservation of natural habitat for threatened and/or endangered plant and animal species.



APPENDIX A

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION RESOLUTION #79-09
(CONCERNING REVISIONS AND AMENDMENT OF
THE WATER QUALITY CONTROL PLAN, CENTRAL COAST BASIN)



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

RESOLUTION NO. 79-09

Concerning Revisions and Amendment of the Water
Quality Control Plan, Central Coast Basin

WHEREAS, the California Regional Water Quality Control Board, Central Coast Region (Region Board), adopted the Water Quality Control Plan, Central Coastal Basin, (Basin Plan), on March 14, 1975; and

WHEREAS, the Regional Board, after notice and public hearing in accordance with Water Code Section 13244, periodically revises and amends the Basin Plan to ensure the reasonable protection of beneficial uses of water and the prevention of nuisance; and,

WHEREAS, the Regional Board has determined that discharge of sediment from land disturbance activities within the Central Coast Region is, in some instances, altering the quality of the waters of the state to a degree which unreasonably affects such waters for beneficial uses or facilities which serve such uses, and is, in some instances, creating a nuisance; and,

WHEREAS, the Regional Board and other water quality planning agencies within the Region have undertaken studies pursuant to Section 208 of the Clean Water Act of 1977 to assess the erosion and sediment problems, determine needs, establish priorities, schedule corrective actions, describe regulatory programs, and identify implementing agencies as necessary to ensure reasonable protection; and,

WHEREAS, the Basin Plan presently contains various recommendations and prohibitions for control of sediment; and,

WHEREAS, the California Association of Resource Conservation Districts, under the Section 208 Program and under contract with the Regional Board and State Water Resources Control Board, completed a study entitled "Erosion and Sediment in California Central Coastal Watersheds", (Erosion Study); and,

WHEREAS, the Erosion Study identifies some water quality problems due to sediments, identifies contributory sources of erosion, finds existing control programs inadequate, and recommends certain remedial measures, including recommendations that the Regional Board:

1. adopt a clear policy on control of non-point sources of pollutants, particularly erosion,
2. take an active role in organizing and coordinating the efforts of agencies with the organization and expertise, or institutional influence, to effect control of non-point sources of pollution, including integration of land and water programs,

3. develop methods and criteria for problem assessment, and
4. undertake a public information program; and,

WHEREAS, to implement these recommendations, the Regional Board must revise and amend the Basin Plan, specifically, Chapter 5, Implementation Plan, relating to non-point source controls by the Regional Board and other authorities; and,

WHEREAS, drafts of proposed revisions and amendments have been prepared and provided to interested persons and agencies for review and comment and due notice of public hearing was given by advertising in newspapers of general circulation within the Central Coast Region; and,

WHEREAS, on September 14, 1979, in the City Hall Rotunda, 200 Lincoln Avenue, Salinas, California; on October 12, 1979, in the Board of Supervisors' Hearing Room, 105 East Anapamu Street, Santa Barbara, California; and on November 9, 1979, in the City Council Chambers, 990 Palm Street, San Luis Obispo, California, the Regional Board received evidence and considered all factors concerning the proposed revisions and amendments to said Plan; and,

WHEREAS, the Regional Board has determined there is a need for an erosion and sediment control policy as embodied in this resolution; and,

WHEREAS, Regional Board staff has prepared documents and followed appropriate procedures to satisfy the environmental documentation requirements of both the California Environmental Quality Act, under Public Resources Code Section 21080.5 (Functional Equivalence), and the Federal Clean Water Act of 1977 (PL 92-500 and PL 95-217), and the Regional Board finds adoption of this erosion and sediment control policy will not have a significant adverse affect on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Water Quality Control Plan, Central Coastal Basin, be revised and amended as follows:

Page 5-29, last paragraph under Non-point Source Measures, revise to read:

(NOTE: This portion of the Basin Plan discusses the causes of various types of non-point source pollution problems and makes general recommendations on how such problems may be prevented. This merely updates the introduction.)

"Effluent limits and facility requirements are not readily applicable to most non-point wastewater sources. ~~Most controls are accomplished through upgraded practices or by prohibition of polluting activities. Controls emphasize use of upgraded on-site practices; improved regulatory controls such as performance standards, policies, and inspection programs; and first-line implementation by local agencies.~~ Topical discuss-

sions of significant non-point source measures applicable to the Central Coastal Basin are provided for urban runoff management, agricultural wastewater management, individual waste disposal practices and ~~construction and logging~~ land disturbance activities."

Page 5-37, first column, under "Land Disturbance Activities", (as amended 6/8/79); amend to read:

(NOTE: This portion of the Basin Plan discusses various non-point source discharges by type, e.g., individual sewage disposal systems and urban runoff management; and makes various recommendations for regulation and/or siting constraints that would mitigate problem occurrence, e.g., recommended maximum 30% slope and one acre minimum parcel size for individual systems.)

"Construction, mining, and ~~specified~~ other soil disturbance activities which may disturb or expose soil or otherwise increase susceptibility of land areas to erosion are difficult to regulate effectively. Construction or logging may often begin and end with no obvious impairment of stream quality; however, erosion or land slides the following winter may be directly related to earlier land disturbance or tree cutting. Mining and quarrying activities are generally longer in duration. Land sensitivity to erosion can be assessed before land disturbances are permitted, environmental constraints could be identified for use in screening construction of logging permits and could be a basis for adding specific permit terms to waste discharge requirements where applicable.

Under contract with the Regional Board, the California Association of Resource Conservation Districts completed a study entitled, 'Erosion and Sediment in California Central Coast Watersheds - A Study of Best Management Practices' (Erosion Study), dated June, 1979. This Erosion Study, funded under Section 208 of the Clean Water Act, assesses impacts of erosion and sedimentation on water quality and beneficial uses in non-designated planning areas (San Benito, San Luis Obispo, and Santa Barbara Counties) of the Central Coast Region. This Erosion Study and Supporting documents have been used by the Regional Board in developing erosion and sedimentation control policy.

Non-point source pollution in the remainder of the Region is addressed by designated planning agencies through their respective Areawide Waste Treatment Management Plans. Designated agencies and the areas affected within this Region include: Association of Bay Area Governments (portions of San Mateo and Santa Clara Counties), Association of Monterey Bay Area Governments (Santa Cruz and Monterey Counties), and Ventura County Board of Supervisors (portion of Ventura County). The policy herein described is compatible with those plans and within the scope of Regional Board authority.

The Erosion Study and Areawide Waste Treatment Management Plans identify examples of accelerated erosion resulting from insufficient land management of soil cultivation, grazing, silvaculture, construction, and off-road vehicle activities, as well as wild-fires.

Adverse impacts of sediment are identified, in part, as: impairment of water supplies and groundwater recharge, siltation of streams and reservoirs, impairment of navigable waters, loss of fish and wildlife habitat, degradation of recreational waters, transport of pathogens and toxic substances, increased flooding, increased soil loss, and increased costs associated with maintenance and operation of water storage and transport facilities. Recommendations based on conclusions of the Erosion Study and practices recommended in Areawide Waste Treatment Management Plans are a means to reduce unnecessary soil loss due to erosion and to minimize adverse water quality impacts resulting from sediment. When a practice or combination of practices is found to be the most effective, practical (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by non-point sources to a level compatible with water quality goals, it is designated a Best Management Practice (BMP).

General recommendations based on conclusions of the Erosion Study are:

1. Soil conservation control measures should be used to minimize impacts that would otherwise result from soil erosion. Control measures are identified according to systems, which are then broken down into subsystems of erosion control techniques or component measures. For example, a system for control of erosion from construction sites would identify component measures such as debris basins, access roads, hillside ditches, etc. Other conservation control systems include: conservation cropping, conservation irrigation, roadside erosion control, critical area treatment, diversions and ditches, grade stabilization, pasture and range management, runoff and sediment control ponds and basins, streambank and channel protection, and watershed, wildlife, and recreation land improvement. These control measures are comparable to the USDA Soil Conservation Services' Resource Management Sub-system approach as referenced in AMBAG's 'Water Quality Management Plan for the Monterey Bay Region', dated July 1978, and in ABAG's 'Handbook of Best Management Practices', dated October 1977.

Experience has shown that no one control measure best solves an existing, or prevents a potential, pollution problem - - - especially in the area of soil erosion and sedimentation. As land use, the land user, and various situations change, so does the need for control measures. Before application, and on-site investigation with the land user is necessary to determine which practice or set of practices will be most effective and acceptable.

2. Erosion control should be implemented in a reasonable manner with as much implementation responsibility remaining with existing local entities and programs as is possible and consistent with water quality goals.
3. The Regional Board and local units of government should establish a clear policy for control of erosion, including consideration of off-site and cumulative impacts and the imposition of performance standards according to the sensitivity of the area where land is to be disturbed.
4. Effective ordinances and regulatory programs should be adopted by local units of government. Effective programs would allow only land disturbance activities consistent with the waste load capacity of the watershed, require preparation of erosion and sediment control plans with specific contents and with attention to both off-site/onsite impacts, identify performance standards, be at least comparable to the model ordinance in the 'Erosion and Sediment Control Handbook', dated May 1978, and have provisions for inspection follow-up, enforcement, and referral.
5. Watersheds with critical erosion and sediment problems should be identified by one or more concerned agencies such as the California Department of Fish and Game, the Regional Board, the local Environmental Health, Planning, or Engineering Departments, the local Flood Control District, or the local Resource Conservation District, and then referred to the remaining agencies by a designated local coordinating agency for determining the scope, nature, and significance of the identified problem. The designated local agency would evaluate the adequacy and appropriateness of the total assessment, including an assessment of the problem and causes, alternatives considered, recommended interim and permanent control measures, and the amount and sources of funding. The evaluation would then be submitted as an Impact Findings Report for consideration and decision by the local governing body.
6. Comprehensive and continuous training should be mandatory for building and grading inspectors, engineers, and planners involved in approving, designing, or inspecting erosion control plans and on-site control measures. The training program would preferably be conducted on an inter-county/agency basis and be administered through a USDA Soil Conservation Service cooperative training arrangement or through seminars conducted by the USDA Soil Conservation Service and University of California Cooperative Extension seminars. The Soil Conservation Society of America should be requested to assist in establishing an effective training program, including public education to heighten awareness of the adverse affects of erosion and sediment on soil and water resources.

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7. More intensive erosion controls should be considered within four watersheds (Lauro Reservoir and Devereaux Ranch Slough in Santa Barbara County and Pismo Lake and Morro Bay in San Luis Obispo County) with apparent critical erosion and sediment problems. Alternative practices that may be implemented to effect the necessary level of control are assigned to a relative priority."

5-40, under Regional Water Quality Control Board, Goals, add:

- "6. Reduce and prevent accelerated (man-caused) erosion to the level necessary to restore and protect beneficial uses of receiving waters now significantly impaired or threatened with impairment by sediment."

Page 5-41, under "Management Principles", add the following:

(NOTE: Management principles provide guidelines for the regulation of waste treatment and disposal. For example, other principles refer to zero discharge of pollutants by 1985 and to pretreatment.)

- "15. Property owners are considered ultimately responsible for all activities and practices that could result in adverse affects on water quality from waste discharges and surface runoff.
16. Local units of government should have the lead role in controlling land use activities that cause erosion and may, as necessary, impose further conditions, restrictions, or limitations on waste disposal and other activities that might degrade the quality of waters of the state.
17. General recommendations for erosion control, numbered one through six under 'Land Disturbance Activities', are considered by the Regional Board to be Best Management Practices (BMP's), as are those BMP's identified in approved areawide Water Quality Management Plans.
18. In implementing BMP's through local units of government, or through state and federal agencies for lands under their control, working relationships, priorities, and time schedules will be defined in management agency agreements between the areawide waste treatment planning agency and the local management agency. Agreements will be reviewed and updated annually to reflect recent achievements, new information and new concerns.
19. Regional Board participation in sediment control programs shall include assistance in the establishment of local control programs, participation in the determination of water quality problems, and a cooperative program evaluation with local units of government. Regional Board enforcement authority will be exercised where local volunteer programs fail to correct sediment problems within a reasonable period.

20. Emergency projects undertaken or approved by a public agency and necessary to prevent or mitigate loss of, or damage to, life, health, property, or essential public services from an unexpected occurrence involving a clear and imminent danger are exempt from this chapter providing such exemption is in the public interest.
21. Regulation of sediment discharges from routine annual agricultural operations, such as tilling, grazing, and land grading and from construction of agricultural buildings is waived except where such activity is causing severe erosion and causing, or threatening to cause, a pollution or nuisance.
22. Regulation of discharges from state and federal lands managed by agencies operating in accordance with approved management agency agreements is waived except where such activity is causing, or threatening to cause, a pollution or nuisance."

Page 5-42-1, following individual sewage disposal system prohibitions insert the following paragraph:

(NOTE: Basin Plan Prohibitions provide the Regional Board's "bottom line" performance standard. They are not subject to staff discretion unless explicitly stated otherwise. Prohibitions are directly enforceable through cease and desist orders. In this instance, all five prohibitions can be satisfied by planning for necessary erosion control with the appropriate agency before initiating a sediment-generating activity. Regional Board enforcement would be by exception and would likely occur only where water quality was threatened and a cooperative remedy was not forthcoming.)

"Significant soil disturbance activities not exempted pursuant to Regional Board 'Management Principles' are prohibited:

1. In geologically unstable areas,
2. On slopes in excess of thirty percent (excluding agricultural activities), and
3. On soils rated a severe erosion hazard by soil specialists (as recognized by the Executive Officer) where water quality may be adversely impacted;

unless,

1. In the case of agriculture, operations comply with a Farm Conservation or Farm Management Plan approved by a Resource Conservation District or the USDA Soil Conservation Service;
2. In the case of construction and land development, an erosion and sediment control plan or its equivalent (e.g., EIR, local ordinance) prescribes best management practices to minimize erosion during the activity, and the plan is certified

or approved, and will be enforced by a local unit of government through persons trained in erosion control techniques; or,

3. There is no threat to downstream beneficial uses of water, as certified by the Executive Officer of the Regional Board."

Page 5-44, first column, revise the title and add the following after "Recommended Control Actions", item No. 27.".

(NOTE: This section sets forth performance criteria or the regulatory posture of the Regional Board regarding recommendations made earlier in the chapter. For example, this is where the plan specifies that new animal confinement facilities shall be protected from 100-year peak stream flows.

These control actions do not have the strength of prohibitions in that they are not directly enforceable. However, they may be enforced if there is a threat to water quality and they would be placed in waste discharge requirements if requirements were adopted.)

28. Erosion from non-point pollution sources shall be minimized through implementation of BMP's (identified under 'Management Principles', page 5-41-1, and described under 'Land Disturbance Activities', page 5-47).
29. All necessary control measures for minimizing erosion and sedimentation, whether structural or vegetal, shall be installed prior to November 15 each year.
30. All structural and vegetal measures taken to control erosion and sedimentation shall be properly maintained.
31. A filter strip of appropriate width, and consisting of undisturbed soil and riparian vegetation or its equivalent, shall be maintained, wherever possible, between significant land disturbance activities and watercourses, lakes, bays, estuaries, marshes, and other water bodies. For construction activities, minimum width of the filter strip shall be thirty feet, wherever possible as measured along the ground surface to the highest anticipated water line.
32. Design and maintenance of erosion and sediment control structures, e.g., debris and settling basins, drainage ditches, culverts, etc.) shall comply with accepted engineering practices.
33. Cover crops shall be established by seeding and/or mulching, or other equally effective measures, for all disturbed areas not otherwise protected from excessive erosion.
34. Land shall be developed in increments of workable size that can be completed during a single construction season. Graded

slope length shall not be excessive and erosion and sediment control measures shall be coordinated with the sequence of grading, development, and construction operations.

35. "Use of soil sterilants is discouraged and should be minimized."

Page 5-44, top of second column, under "Other Agencies' Programs" (added June 8, 1979), revise first paragraph as indicated below:

(NOTE: This section was added to describe the role of other key agencies as they pertain to water quality.)

"To insure that impacts on water quality from non-point sources of pollution are held to a minimum and that goals and management principles of the Regional Board are met, water quality management programs for implementation by land managing agencies have been developed through the areawide planning process. For non-point sources of pollution, this required identification of Best Management practices (BMP's). BMP's are defined as a practice or a combination of practices that is found to be the most effective practice including technical, economic and institutional considerations means of preventing or reducing the impact of pollution generated by nonpoint sources to a level compatible with water quality goals. BMP's are determined only after problem assessment, examination of alternative practices, and appropriate public participation in the BMP development process".

and at the end of section, add:

"Resource Conservation Districts (RCD's) and the U.S.D.A. Soil Conservation Service are organizations that assist property owners in applying effective conservation and land management practices. The program includes Technical, educational, and planning services to property owners and local governments who request assistance. It has been relatively successful considering its voluntary nature and resource limitations. The Soil Conservation Service has a major role in the Rural Clean Water Program."

The U.S.D.A. Agricultural Stabilization and Conservation Service administers the cost-sharing aspects of the Agricultural Conservation Program, allocating available monies to farmers and ranchers for erosion and sedimentation control and water conservation projects.

Cities and Counties, as general purpose governments, have broad powers to adopt specific and general plans; to regulate land use, subdividing, grading, and private construction; and to construct and operate public works facilities. Local authority to regulate existing and potential discharges of sediment has been exercised to varying degrees throughout the region.

Many Cities and Counties within the coastal zone are developing Local Coastal Programs. Programs may include land use and grading

restrictions designed to reduce erosion and sediment problems to a level necessary to protect long-term productivity of soils and waters within the coastal zone. Regulation by the California Coastal Commission and Regional Coastal Commissions provide this protection now. Local Coastal Programs should be certified by the California Coastal Commission by June 30, 1981.

The State Department of Fish and Game promotes the protection and improvement of streams, lakes, and natural habitat areas for fish and wildlife; regulates stream alteration; and compels cleanup of fouled streams."

Page 5-45, under "~~Proposed~~ Actions by Others Authorities", add:

(NOTE: This section has previously been limited to conceptual recommendations for other governmental entities that would benefit the water quality program. Because of their general nature, they are not enforceable. The following amendments relating to submittal of reports are more specific and are enforceable in that they comply with provisions of the California Water Code where the Regional Board may request reports.)

11. The federal government should increase its support of erosion and sediment control programs by increasing its technical staffs, increasing cost-share funds, increasing the availability of low-interest loans, and changing its income tax laws to encourage the use of best management practices for erosion and sediment control.
12. The State of California should establish an erosion and sediment control program that includes incentives for the individual—such as cost-sharing, changes in state law that would reduce property taxes for enduring erosion and sediment control practices, and incentives through state income taxes.
13. Resource Conservation Districts within the Central Coast Region should develop management agency agreements with the Regional Board agreeing to work jointly with the Recional Board to integrate soil and water resource programs in the application of best management practices to correct existing erosion and sediment problems and to prevent new problems from occurring.
14. Local units of government should improve land use plans to establish a clear policy, and shall adopt or improve ordinances to include definitive performance standards, for the control of erosion and sedimentation, including consistency with this Basin Plan and Best Management Practices identified under Regional Board 'Management Principles'.
15. Local units of government developing Local Coastal Programs shall establish a clear policy on erosion and sedimentation and adopt an ordinance consistent with best manaoement practices by January 31, 1981, for their land areas within the Coastal Zone.

16. Resource Conservation Districts, the U.S.D.A. Soil Conservation Service, the California Department of Transportation, and the Extension Service, in conjunction with the cities and counties, should develop and carry out an erosion and sediment control training program for employees who review erosion and sediment control plans and who enforce local ordinances and regulations relating to erosion and sediment control practices.
17. Counties and cities should work with the Regional Board to mutually identify priorities, time schedules, and limitations and to negotiate management agency agreements concerning implementation of Best Management Practices for control of erosion and sedimentation by January 31, 1981.
18. Review and assessment of erosion and sediment control plans for new land developments in those counties and cities that have signed management agency agreements with the Regional Board will be processed entirely by that county or city.

Renumber paragraphs 9 and 10 to 19 and 20., respectively (regarding offshore oil and salt control).

BE IT FURTHER RESOLVED THAT Counties and Cities within the nondesignated area shall submit a report to the Regional Board by July 1, 1980, comparing existing programs with BMP's, identifying costs and limitations and proposing a time schedule for meeting the terms of the Basin Plan.

BE IT FURTHER RESOLVED THAT governments having jurisdiction within Lauro Reservoir, Deveraux Ranch Slough, and Pismo Lake Watersheds evaluate the recommendations and procedures described in Chapter VI of the Erosion Study and report back to this Board by July 1, 1980, on whether these recommendations are, in whole or in part, Best Management Practices.

BE IT FURTHER RESOLVED, that the Executive Officer of this Regional Board is hereby directed to submit said Water Quality Control Plan as revised and amended, to the State Water Resources Control Board for approval pursuant to California Water Code Section 13245.

I, KENNETH R. JONES, Executive Officer of the California Regional Water Quality Control Board, Central Coast Region, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Coast Region, on November 9, 1979.

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